

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2nd DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No.3696/1996

K. Puttaswamy Gowda,  
S/o late Mogappa Gowda,  
major,  
r/a Kamati Village,  
Kanathur Post,  
Palya Hobli,  
Alur Taluk,  
Hassan District. ..Petitioner

(By Sri R.S.Ravi,  
Advocate)

Vs.

1. State of Karnataka  
by its Secretary,  
Revenue Department,  
M.S.Buildings,  
Dr.Ambedkar Veedhi,  
Bangalore-1.
2. The Deputy Commissioner  
(Revenue),  
Hassan Dist., Hassan.
3. The Assistant Commissioner,  
(Revenue),  
Hassan District, Hassan.
4. The Tahsildar,  
Alur Taluk, Alur,  
Hassan District.  
.. Respondents

(By Sri N.P.Singri,  
HCGP)

Writ Petition filed under Articles 226 and 227 of the Constitution of India with an affidavit seeking for the quashing of the endorsement dated 20-9-1994 issued by the 4th respondent vide Annexure-C and also for a

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direction to the respondents to consider the application of the petitioner for grant of land in Survey Nos.132 and 133 measuring 11 acres 9 guntas situated at Kamati village, etc.


This petition coming on for orders before Court this day, the Court made the following:

**O R D E R**

Though this petition is listed for orders, with the consent of learned Counsel appearing for the parties, it is taken up for final hearing and disposed of by this order.

2. The petitioner, in this petition, is an Ex-serviceman. He claims that he was in the military services from September 1967 till 1st of January 1993. It is his case that while he was in service, he made an application to the respondents for grant of land measuring 11 acres 9 guntas comprised in Survey Nos.132 and 133 of Kamati village, Palya Hobli, Alur Taluk, Hassan District, and pursuant to the said application, the Taluk Land Grant Committee, by means of its proceedings dated 30th of June 1976, recommended for grant of land measuring 5 acres 12 guntas in Survey No.132 and 5 acres 3 guntas in Survey No.133 in his favour. ✓

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3. Sri R.S.Ravi, learned Counsel appearing for the petitioner, relying upon the recommendations made by the Taluk Land Grant Committee, a copy of which has been produced as Annexure-B, submitted that since the land resolved to be granted to the petitioner was in excess of permissible limit of the Tahsildar and also the Assistant Commissioner, the recommendation was made by the Land Grant Committee to the second respondent to grant the said lands ✓ in favour of the petitioner. He further submitted referring to Annexure-B, that the recommendation made by the Land Grant Grant Committee for grant of lands to as many as other 73 persons, was approved and lands have been granted to them, whereas the claim of the petitioner has not yet been considered by the Deputy Commissioner for grant of land in question as recommended by the Land Grant Committee. It is his further submission that the petitioner being an Ex-Serviceman, who has served the country for a period of 25 years and who had also participated in the Bangla Liberation War, is entitled for grant

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of the land under the Land Grant Rules; and as such, the second respondent was not justified in not considering the recommendation made by the Land Grant Committee for grant of lands in favour of the petitioner till now.

4. Sri Singri, learned Government Pleader, submitted that since the recommendation was made in the year 1976, there is absolutely no justification at this stage to direct the second respondent to consider the recommendation made by the Land Grant Committee. He further drew my attention to the communication dated 20th of September 1984, a copy of which has been produced as Annexure-C, issued by the 4th respondent stating that since the land in question has been reserved for Ashraya Scheme, the representation made by the petitioner to the Minister for grant of land has been rejected.

5. In response to the submission of Sri Singri, Sri Ravi submitted that the statement made in Annexure-C that the land in question is required for Ashraya Scheme is incorrect.

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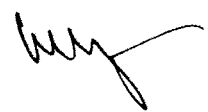
He drew my attention to the endorsement dated 28th of September 1994, a copy of which has been produced as Annexure-D, to show that under Ashraya Scheme, 30 persons were given sites in Survey No.73.

6. I am of the view that the petitioner is entitled for a direction to be given to the second respondent to consider the recommendation made by the Land Grant Committee to grant the lands in question in favour of the petitioner. It is not in dispute that the petitioner is an Ex-serviceman. It is also not in dispute that under the Land Grant Rules, the petitioner is entitled for grant of Government Land on a preferential basis taking into account that he is an Ex-military personnel. As observed by me earlier, the Land Grant Committee, while considering the claims of as many as 73 persons, has recommended for grant of land in favour of the petitioner. Under these circumstances, the second respondent was required to consider the recommendation made by the Land Grant Committee and take an appropriate

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decision keeping in mind the eligibility of the petitioner for grant of lands in question in his favour. Since the same having not been done all these years inspite of the repeated requests and demands made by the petitioner, I am of the view that it would be in the interest of justice to direct the second respondent to consider the recommendation made by the Taluk Land Grant Committee as per Annexure-D and take a final decision in the matter. It is necessary to point out that under similar circumstances, several other persons, referred to in the proceedings at Annexure-B, have already been granted lands and the petitioner alone has been picked up for hostile discrimination, as contended by the learned Counsel for the petitioner. Further, I am of the view that when the Committee has made a recommendation for grant of lands in question in favour of the petitioner, it is not permissible for the second respondent to reject the recommendations of the Committee on the ground that the lands in question are required for Ashraya Scheme.



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7. In the light of the discussion made above, I direct the second respondent consider the representation made by the petitioner as per Annexure-D as expeditiously as possible and at any event of the matter, not later than three months from the date of receipt of a copy of this order and keeping in view the provisions of the Land Grant Rules and also the recommendations made by the Taluk Land Grant Committee as per Annexure-D.

8. Rule is issued and made absolute and this petition is disposed of in terms stated above.

9. Sri Singri, learned Government Pleader, is permitted to file his memo of appearance within four weeks from today.

Sd/-  
JUDGE

